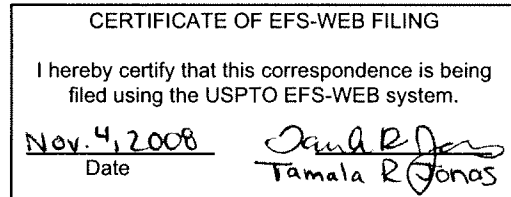


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/829,598 Confirmation No.: 6855
Applicant : Graetz et al.
Filed : April 22, 2004
TC/A.U. : 1795
Examiner : Hodge, Robert W.
For : High-Capacity Nanostructured Germanium-Containing Materials
and Lithium Alloys Thereof
Docket No. : 27-06
Customer No.: 23713

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



DECLARATION OF JASON GRAETZ UNDER 37 CFR 1.132

Sir:

Jason Graetz hereby declares as follows:

1. I, Jason Graetz, am an inventor of the above-identified patent application.
2. I am presently an associate scientist with Brookhaven National Laboratory.
3. I have experience and expertise in the field of materials science and synthesis of thin film and nanoscale materials.
4. This declaration provides evidence to establish that the structure of the germanium thin film described in Examples 2 and 4 of the present application is contiguous and uniform and is not an aggregate of germanium nanoparticles. The main image in Figure 5A of the present application is a bright-field transmission electron microscope (TEM) image of an evaporated germanium film prepared as described in Example 2. This image shows that the film is not formed of aggregated nanoparticles of any shape. The inset of Figure 5A shows an electron diffraction pattern of the film and Figure 5B is a dark-field TEM image of the film; these images indicate that the film is amorphous and is not formed of crystalline nanoparticles.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: 11/04/2008



Jason Graetz